

REMARKS

Claims 1-10 and 96 are pending in this application, and were rejected under 35 U.S.C. §102(e) as being anticipated by Ault et al. (U.S. Patent 6,011,978). Ault et al. discloses automatic system switching in a multiple-mode wireless communication device.

The present invention provides a detecting method and apparatus for efficiently acquiring a signal from multiple adjacent base stations by a terminal in a CDMA communication system. Particularly, Claims 1-10 and 96 of the present application recite that a base station increases a pilot power in forward link for a short time and then transmits the pilot signal in a CDMA mobile communication system, as shown in Fig. 4A and 4B.

Claim 1 recites three different power levels, namely, the power level of a common channel signal, and two power levels of pilot signals. Particularly, the base station of the present invention generates two levels of pilot signals.

Independent Claim 1 recites transmitting a common channel signal at a first predetermined power level and transmitting a pilot signal at a second predetermined power level, the pilot signal being transmitted at a power level greater than the second predetermined power level. The pilot signal is transmitted at a power level greater than the power level of the common channel signal. That is, Claim 1 relates to a method that transmits two (2) different signals: a common channel signal and a pilot signal. The method of Claim 1 transmits the two (2) different signals at three (3) different power levels: the common channel signal at a first power level, the pilot signal at a second power level, and the pilot signal at a power level greater than the second predetermined power level for a predetermined time period.

The Examiner opines that Ault et al. discloses these features. Ault et al. is directed to controlling power in a mobile station during an initial access. In more detail, upon initial access of a mobile station to a system, if a base station fails to receive the access signal transmitted from the mobile station, then the mobile station raises power level up to a predetermined power level

and attempts re-access. Thus, the subject matter of Ault et al. is technically distinguishable from that of the present invention in view of the above difference.

Ault et al. at col. 9, lines 20-23 states, “Each access probe comprises the access channel message and the mobile station transmits the same access channel message in each access probe in an access attempt.” That is, the same message is transmitted during each access probe attempt. Therefore, even though Ault et al. transmits subsequent access probes at higher power levels, Ault et al. still transmits only one message, i.e. the same access channel message. Transmitting one message is not and cannot be equated with transmitting a common channel signal and a pilot signal.

MPEP §2131 Anticipation, clearly states that to anticipate a claim, the reference must teach every element of the claim.

Based on at least the foregoing, withdrawal of the rejections of Claim 1 under §102(e) is respectfully requested.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-10 and 96, these are likewise believed to be allowable at least by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-10 and 96 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-10 and 96, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

THE FARRELL LAW FIRM
333 Earle Ovington Blvd., Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475
PJF/MJM/dr